

and Lock Company, which charged him with embezzlement, was not giving the road the proper rates on his shipment. The prosecution retailed by saying that Mr. Barnes had been persuaded to swear out the warrant only after the persistent efforts of Detective McMahon, who was the chief source of the testimony brought against the prisoner.

Mr. J. Stuart Hopkins, secretary of the firm, was the first witness called. He explained the status of the case with the company, and the evidence under contract. Mr. Pollock asked him for the statements of receipts and disbursements made by Barber, and he said that there were none, only vouchers having been received from him.

Mr. Pollock made a great fight to get statements, but the witness denied that there had ever been any. Mr. Pollock said he had gotten the books of the concern only after he had threatened Barnes and Hopkins, and he wanted the statements returned for the defense. Mr. Pollock asked him to have been kept in the up-town branch of the company, which was under the management of Barber. The book recorded the delivery of safes and the receipts of payments. However, Mr. Pollock would not say this was a proper record. Mr. Pollock asked the witness sharply why he had not brought this book in last Saturday, and he replied that he did not know of its existence, although the book purported to be a record of the work done by Barber, and appeared correct. Mr. Hopkins stated that Barber had acknowledged the shortage with which he was charged, and that the prisoner had begged for clemency. The witness said: "Well, I see you've got a detective, and it's all up with me."

One Money to Barber. It was stated that Barber had worked part of the time for \$125 a month, and then for \$140 a month, and the defense declared that the firm still owed Barber \$100, part of back salary, instead of his being in debt to the firm. The witness stated that Barber had asked that \$25 of his salary be sent every week to his wife in Connellville, and the checks were produced in evidence. The examination went on for some time, and then Mr. Pollock asked Mr. Hopkins if he had seen up Mr. John Rice, a bookkeeper for the firm, and who had been procured as a witness for the defense, and in order to prejudice her testimony, told her that Barber had circulated slanderous reports about her. He denied the allegation, saying that he had never seen her. Mr. Pollock was doing all he could to prove persecution as the motive for the prosecution.

Sergeant McMahon was then called. He testified that he had a talk with Barber, and that he told him that he would "fix it up" with the firm. Mr. Barnes was put on the stand, and Mr. Pollock launched forth to prove that the witness was animated by spite against the defendant. The witness testified that he had a feeling in the matter, denied that he determined on prosecution because Barber had reported him to the Southern Railroad as not giving them proper rates on shipments, and denied that he had been influenced by A. H. Richmond, though admitting that Hamilton had come to see him often on the subject.

Replying to Mr. Pollock, he said that he had not sworn out the warrants until brought into the commonwealth's attorney's office, and that he had done so by Sergeant McMahon, who had gathered the evidence. Many more questions were asked, and much wrangling ensued between the lawyers, Mr. Pollock debating every point that was raised.

Uncle of Mrs. Barber Testifies.

Mr. Hamilton was an interesting witness. He stated that Barber had admitted to him taking money from the Barber Company and sending it to his wife, and had said that he wanted Hamilton to help him out. Barber had told him some time before that he had a wife in Pennsylvania, but had said he was divorced from her. Mr. Pollock tried to discountenance his testimony by showing that he had spied on Barber's movements, because he wanted to run the young man. The witness admitted that he had stood in an alleyway near the house of a Mr. Pleasant and looked into Barber's house, but did so, he said, to see if Barber had gone away.

Miss Rice was called by the prosecution. Mr. Pollock declared that although she was his witness he would not put her on because she had been tampered with. She identified the books kept by herself and Barber in the up-town branch, and said that a proper record of receipts and disbursements had been kept in it by both of them, declaring that entries were made by herself or Barber on the days when they were made. Replying to Mr. Pollock, she stated that Mr. Hopkins had talked with her over the phone and told her that Barber had circulated reports reflecting on her character. She said that she had been given a holiday one day to raise money to pay for Barber's shortage, though Barber had never admitted the shortage to her, and she did not know whether he was really guilty. Mr. Barnes, she related, told her to tell Barber that (he Barnes) would give Barber another position. The latter refused it.

Two witnesses, Messrs. Wharton and

"Berry's for Clothes."



If you are a "society light" and intend to "shine after candle light" here's the newest shape of evening dress. Full Suit, \$38.00. Tuxedo Coat to match, \$20. And all the little things of dress incident thereto. Little, but very important that they be right.

Everything men wear, from collars down and up.

O.H. Berry & Co.
MEN'S & BOYS' CLOTHES

Pleasants, testified that he had seen Mr. Hamilton spying in Barber's house, and Mr. Wharton said he knew that one night a brick was thrown through a window in Barber's house when the latter was ill and sitting by the window.

Mrs. Barber on Stand.

Mrs. Barber, calm and collected, was then placed on the stand. In a clear voice she stated that her uncle had told her he would do everything to "put Barber down and out." She declared that the other woman did not enter into the case at first; that the difficulty between her uncle and her husband was over some printing matter. She testified that Mr. Hopkins had telephoned her, after his talk with Barber, that a brick was thrown through a window in Barber's house when the latter was ill and sitting by the window.

Attack on Barnes.

In his efforts to save his client, Mr. Pollock then took another tack. He tried to impeach the evidence of Mr. Barnes, and Henry E. Holmes stated that he had heard people say they would not trust Mr. Barnes, and that his reputation was very bad. He admitted, however, to Mr. Pollock, that he had a falling out with Mr. Barnes. Mr. Burton testified that some would have been a disgrace to him, and that would not Mr. Pollock are in much indignation, saying that Mr. Barnes' reputation had been attacked, and that he would call numerous witnesses to deny the allegations, which he did later.

Byer was then called to the stand. He declared that he had made settlements twice a week with the firm, and that he had made out statements of account for the Barber Company, which were never brought into court. He said he had hired all men and was restricted only in the payment of salary and commissions.

He swore that he reported the collections alleged to have been short, and declared that he and Hopkins had issued checks for the money, and that he had turned over all the money to Hopkins. He had never admitted to a shortage, and that he was short in his accounts. Instead of his being indebted to the firm they really owed him \$100. He said he had stopped Barber's checks to the alleged Connellville wife before his marriage to his Richmond wife, on August 5th. When he had finished, Mr. Pollock

"Berry's for Clothes."



The little men receive the same care and attention as the big ones at our store. For "dress up" occasions as well as for daily use, here's everything for Boys' wear. Tuxedo Suits as small as 12 years. \$12.00.

Norfolk and double-breasted Suits for the larger boys, \$3.80 to \$15.00.

Sailor and Russian Suits for smaller boys, \$3.50 to \$8.50.

O.H. Berry & Co.
MEN'S & BOYS' CLOTHES

put Police Commissioners Landerkin and Manning and Mr. Pleasants on the stand to testify to the good character of Mr. Barnes. Mr. Landerkin had never heard Mr. Barnes' reputation questioned.

Argument Was Long.

Both attorneys were finished with their arguments, and declared that the argument would be short, but it was long, nevertheless.

Mr. Pollock made the effort of his life.

It was said to be the finest argument he ever made in court, and he was much complimented afterward. With all the scathing adjectives and bitter invective at his command, he endeavored to prove that the whole affair was but the result of persecution, declaring that Mr. Barnes had falsified in his testimony. He referred to Mrs. Barber's uncle as a "culture hamilton." He declared his firm belief in the innocence of his client, and said that there was not enough evidence to convict the defendant in the community. As he finished with every one hanging on his words, Mr. J. C. Lester, Mr. Barnes' lawyer, stepped forward and volunteered some further information. With the consent of Mr. Pollock, he was put on the stand, and there he declared that Mr. Barnes had talked with Miss Jennie Rice on a street car and told her that Barber was short in his accounts and that he had enough evidence to send him to the penitentiary. Mr. Barnes had denied referring to her. Then, when Mr. Pollock asked Mr. Barnes what he then put back on the stand to refute this, and he denied it.

More to Come.

Both the prisoner and his wife sat still for a few moments, and then the tears streamed down their faces. Every eye in the courtroom was turned to the man and woman.

All the other charges against Barber were continued to December 15th. The case will be heard on December 23d.

After the trial, Mr. Hamilton stated to a friend that he was not finished; that he would prosecute the case to its very end.

KESTNER CASE CONTINUED.

Witnesses in Theft from Ideal Stone Building Company not yet heard.

John W. Kestner, charged with stealing building blocks valued at \$500 from the Ideal Stone Building Company, appeared in the Police Court yesterday morning for the preliminary hearing of the case.

Witnesses in the case, however, were not present, however, and the case was continued to Tuesday.

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GLENN TELLS WHY CONFERENCE HELD

Proposed by Governor Comer and He Accepted the Invitation by Advice.

NO STEPS TO CHANGE LAW

This Function Belongs to the Legislature, and He Had No Idea of Changing It.

(Special to The Times-Dispatch.)

HALEIGH, N. C., November 9.—Governor Glenn this afternoon said that his attention having been called to certain articles in various newspapers in regard to the object of the Governor's conference in Atlanta and his position toward the railroads, he deemed it necessary to make the following statement:

"Governor Comer, of Alabama, by telegraph and by letter, invited me to confer with himself and Governor Smith, of Georgia, in Atlanta. No details were given in either the telegram or the letter as to the object of the meeting, save that it was in regard to passenger and freight rates. Personal members of the Council of State and the State's attorneys advised me to decline the invitation, and I compared the laws in the various States to see in how far there was uniformity between them.

"Governor Comer then submitted to the conference a proposition from the Southern Railway Company, regarding a proposed increase in the rates for passenger and freight rates. I found that the rates were simply executive officers with no right to change the laws or take upon themselves the duties of the Corporation Commissioners. We took no action whatsoever in regard to the proposed increase, or even the modification of them. We did discuss methods by which present laws could be enforced, and also methods by which interstate rates might be made uniform and not differ as at present.

"His Conference with Finley. "Some people do not seem to understand the object of my conference with President Finley, of the Southern Railway. Some have taken it that it was an attempt to modify the law as passed by the last Legislature.

"Any lawyer or business man will readily understand that I have no power to change or amend the rate passed. This can only be done by the Legislature. The proposition submitted to the Southern Railway, and which I think was fair and just, was this: Let the railroad stop its suit, and then the State stop its suit, thereby producing harmony and good will between the people and the railroads. Then let the railroad advance its present rates a fair test of six or eight months, seeing if that time whether or not increase of travel would enable them to make as much or more than heretofore, or at least to be in no sense confiscatory, the law to be continued, but that if they found it was greatly injurious or confiscatory, the Legislature to be called together to change the rate, to the end that no injury be done to the people.

"This is my position in regard to this matter. The law passed by the last Legislature should be obeyed until fully tested. That the railroads should submit to the test, and that the State should not interfere with the courts for a sufficient period to ascertain its results, and then if it proves to be injurious they can call on the State to remedy the wrong, and if the State sees any wrong has been done it will remedy it by law.

"I feel that such a course would bring about peace and harmony, and hope that the railroads will see the wisdom of it and agree upon this line of action."

MARTIN IS OPTIMISTIC

Virginia Senator Says Country is Too Prosperous for Panic.

(Special to The Times-Dispatch.)

MANCHESTER BUREAU, Times-Dispatch. — Senator Martin, of Virginia, who is in town today, returned to Charlottesville yesterday morning for the preliminary hearing of the case.

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THOUSANDS HAVE KIDNEY TROUBLE AND DON'T KNOW IT



Weak and unhealthy kidneys are responsible for more sickness and suffering than any other disease, therefore, when through neglect or other causes, kidney trouble is permitted to continue, serious results are sure to follow.

Your other organs may need attention—but your kidneys most, because they do most and should have attention first.

If you are sick or "feel badly," begin taking Dr. Kilmer's Swamp-Root, the great kidney, liver and bladder remedy, because as soon as your kidneys begin to get better they will help all the other organs to health.

Prevalence of Kidney Disease.

Most people do not realize the alarming increase and remarkable prevalence of kidney disease. While kidney disorders are the most common diseases that prevail, they are almost the last recognized by patient or physician, who content themselves with doctoring the effects, while the original disease undermines the system.

The mild and immediate effect of Swamp-Root, the great kidney, liver and bladder remedy, is soon realized. It stands the highest for its remarkable cures in the most distressing cases.

Symptoms of Kidney Trouble. Swamp-Root is not recommended for everything, but if you are obliged to pass your water frequently night and day, smarting or irritating in passing, which you will find on every bottle.

If You Need a Medicine You Should Have the Best.

Swamp-Root is always kept up to its high standard of purity and excellence. A sworn certificate of purity with every bottle.

SAMPLE BOTTLE FREE.—To prove the wonderful merits of Swamp-Root you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands of letters received from men and women who found Swamp-Root to be just the remedy they needed. The value of Swamp-Root is so well known that our readers are advised to send for a sample bottle. Address Dr. Kilmer & Co., Binghamton, N. Y.; be sure to say you read this generous offer in the Richmond Sunday Times-Dispatch.

NEWS GATHERED FROM SOUTHSIDE

New Pastor of Clopton Street Church Asks to Be Relieved of Duties.

MANCHESTER BUREAU, Times-Dispatch. — Although a week ago the report that the Rev. A. T. Howell, the new pastor of Clopton Street Baptist Church, had resigned was denied, it now develops that he has asked to be relieved of his charge, and it is more than probable that the resignation will be granted.

He stated to the committee of the church that on account of the condition of his wife, he would be unable to do his duty for at least five months.

The committee met on Friday night and decided to grant the resignation, and the matter, it now seems likely that the Rev. J. B. Barrell, who will conduct the services to-day, will be called to fill the pulpit.

Mr. C. S. Willcock, of Manchester, received last night at about 10 o'clock a telegram announcing the death in Persimmon of Mrs. Martha A. Carver, at the home of her daughter, Mrs. Hollingsworth, No. 111 Rome Street.

Mrs. Carver was the sister of the late Mr. Willcock of Manchester. She has many friends and relatives both in Manchester and Richmond. No funeral arrangements have yet been made.

Rev. J. T. Routten, pastor of West End Methodist Episcopal Church, who has been in charge of this church for the past four years, will preach this morning and evening, and will deliver his farewell sermon, since he has served four years, and must go to another field. He will leave for his new assignment by Bishop Galloway, who will preside at the conference to be held at Petersburg next week.

Dr. D. C. Vanhook, of Norfolk, will conduct the services at Oak Grove Baptist Church this morning and to-night.

Services at Weatherford Memorial Baptist Church will be conducted by the pastor, the Rev. J. B. Cook, to-day and to-morrow.

To Elect Assistant. The Council has been called to meet in joint session Tuesday night at 8 o'clock, at which the body will elect an assistant city clerk. The only application in the hands of the clerk of the Council is that of Mr. Clifton Hall, who has been in the city for several months.

Mr. Guy Markham, who is understood to be a candidate for the place, is a regular member of the Board of Aldermen will be held on the same night at 7:30 o'clock.

Personal and Brief. Miss Mary Hill, the guest of Dr. and Mrs. E. G. Hill.

Mr. and Mrs. W. B. Bradley have returned from New York, after a delightful trip.

Mr. and Mrs. M. L. Goodman, of Roanoke, have returned home after a visit to the city.

Mr. and Mrs. J. C. Jones, of East Eleventh Street.

Willie Higgins, who, who has been wanted by the Manchester police for some months, was arrested Friday night by Officer Wainwright and tried yesterday morning on the charge of stealing some iron from the Virginia Passenger and Power Company. On this charge he got six months in jail.

Mr. Norborne W. Martin, of Manchester, who has been in the city for several months, is able to be out again.

The condition of Mrs. N. W. Martin.

Mr. and Mrs. J. C. Jones, of East Eleventh Street.

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